

when there is a critical requirement that the delivery date be met and an actual cost cannot be established for the loss to the Government resulting from late delivery.

570.704 Use of provisions and clauses.

The omission of any provision or clause when its prescription requires its use constitutes a deviation which must be approved under part 501, subpart 501.4. Approval may be granted to deviate from provisions or clauses that are mandated by statute (e.g., (GSAR) 48 CFR 552.203-5, Covenant Against Contingent Fees, (FAR) 48 CFR 52.215-1, Examination of Records by the Comptroller General, etc.) in order to modify the language of the provision or clause. However, the statutory provisions and clauses may not be omitted from the SPO unless the statute provides for waiving the requirements of the provision or clause.

53. Section 570.801 is revised to read as follows:

570.801 Standard forms.

Standard Form 2, U.S. Government Lease for Real Property, should be used to award leases unless GSA Form 3626 is used. The reference to the Standard Form 2-A in paragraph 7 must be deleted.

54. Section 570.802 is revised to read as follows:

570.802 GSA forms.

(a) The GSA Form 3626, U.S. Government Lease for Real Property (Short Form), may be used to award leases when the simplified leasing procedures in 570.2 are used or when the Contracting Officer finds its use to be advantageous.

(b) GSA Form 276, Supplemental Lease Agreement, should be used to amend existing leases that involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, restoration settlements, and alterations.

(c) GSA Form 1364, Proposal To Lease Space To The United States of America, may be used to obtain offers from prospective offerors.

Dated: March 27, 1995.

Ida M. Ustad,

Associate Administrator for Acquisition Policy.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies Mr. John Chevedden's petition for rulemaking to specify the license plate mounting location of certain cars and light trucks. NHTSA's analysis of accident data indicates that requiring cars and light trucks with off-center front license plates to have those plates on the driver's side would not have more than a negligible effect on the occurrence of accidents or fatalities.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Van Iderstine, Office of Rulemaking, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366-5275.

SUPPLEMENTARY INFORMATION: By letter dated October 12, 1994, Mr. John Chevedden petitioned the agency to issue a rule applicable to new cars and light trucks with off-center front license plates. Mr. Chevedden asked NHTSA to mandate that those license plates be positioned on the driver's side. Mr. Chevedden stated that the rulemaking was needed because the chances of a vehicle's becoming involved in an accident at night or other times of reduced ambient light increase when the vehicle's headlights are off due to the driver's forgetfulness or to mechanical problems. Mr. Chevedden argued that the chances of such a vehicle's becoming involved in an accident would be reduced if the vehicle's off-center front license plate were mounted on the driver's side. In that location, today's license plates, which typically are reflectorized, would reflect the light from the headlights of oncoming traffic. This would indicate how close the vehicle is to opposing traffic. Mr. Chevedden argued that license plates mounted on the driver's side could also make parked vehicles more visible and lessen the possibility of collisions. Mr. Chevedden did not provide any analysis of the potential benefits of his requested rule.

For the following reasons, NHTSA believes that the safety benefits of

specifying license plate location would be negligible. In attempting to quantify potential benefits of specifying license plate location, NHTSA reviewed the laws of States that mandate both front license plates and reflective license plates and reviewed the numbers and circumstances of fatal accidents that occurred in all states in 1992. The chance of achieving any benefits through mandating the location of front plates would depend on the simultaneous occurrence of a large number of events, several of which have a low probability of occurring even independently, much less in combination. Those events, and their probability of occurring individually in any accident, are set forth below, based on 1992 data:

Fatal accidents in which a vehicle is likely to have a reflective front plate—

.47 or 47 percent

Fatal accidents during non-daylight conditions—

.54 or 54 percent

Fatal accidents involving a head-on or side-swipe collision—

Head-on=.017 or 1.7 percent

Side-swipe=.05 or 5 percent

For a total of .067 or 6.7 percent

Vehicles having a passenger's side offset front license plate assumed to be in fatal accidents—

.01 or 1 percent

Motor vehicles with no front lamps turned on or having complete front lamp failure assumed to be in fatal accidents—

.01 or 1 percent

Fatal accidents involving parked vehicles—

.066 or 6.6 percent

To assess the impact of mandating that offset front license plates be located on the driver's side, the agency determined the probability of all of the above events occurring in the same accident by multiplying the probability of each of the first three events occurring individually in a fatal accident by the product of the probabilities that a fatally involved vehicle has a front passenger's side license plate and that a fatally involved vehicle will have no lights on while being driven. The agency believes that the assumption that 1 percent of vehicles are operated without lights in the dark is very optimistic to the computation of potential benefits.

NHTSA presumes that American drivers tend toward the right lane of the roadway while driving, regardless of the presence or absence of lane markings. Therefore, accidents with parked vehicles generally concern vehicles

parked in the right lane or on the right shoulder. Most vehicles in the right lane or shoulder would have their rear end facing oncoming vehicles, and the location of a front license plate would be irrelevant to the occurrence of a rear end collision. In the instances in which the parked vehicle is facing right lane traffic, a passenger's side, rather than driver's side, front license plate would be in the more favorable position to mark the extreme intrusion of the parked vehicle into the roadway. If the agency were to include in its computations collisions with parked vehicles located in the right lane or on the right shoulder and facing oncoming traffic, that inclusion would reduce the potential benefits of the requested rulemaking. This would occur because there would be a net liability instead of a net benefit for parked cars, according to the petitioner's logic, if their front license plates were moved from the passenger's side to the driver's side. Therefore, parked vehicles have been omitted from the computation of hypothetical maximum benefits. Thus, the combined probability of the above events is:

$$.47 \times .54 \times .067 \times .01 \times .01 = .0000017$$

Next, NHTSA determined the number of fatalities that might have occurred in accidents involving that particular combination of events by multiplying the probability of that combination of events by the total number of occupant fatalities per year.

$$.0000017 \times 39,235 = 0.067 \text{ relevant fatalities/year}$$

Finally, to determine the number of those fatalities that might be prevented by mandating that off-center front license plates be mounted on the driver's side, the agency multiplied the number of relevant fatalities by a figure representing an assumed level of accident preventing effectiveness for that placement of the front license plate. For the purposes of analysis, the agency has used a very optimistic figure of 2.5 percent.

The trailer conspicuity achieved about 25 percent effectiveness for the rear treatment in its fleet study. Since the light reflected from license plates is about 2.6 percent of that from the rear of a trailer with conspicuity treatment, and the closure rate of vehicles in Chevedden's case is at least twice that of trailer conspicuity cases, a very low effectiveness should be assumed. Based on the foregoing, the agency assumes that the effectiveness of the off-center front reflectorized license plate is one-tenth that of rear trailer conspicuity, or 2.5 percent. The estimate of the benefit from the Chevedden proposal is:

$$0.067 \times 0.025 = .0017 \text{ fatalities prevented/year.}$$

Based on the above analysis, NHTSA estimates that if it were to specify that those vehicles with off-center front license plates have their front plates located on the driver's side, the number of lives saved would not exceed one life for every 588 years.

The agency also considered the possibility of obtaining benefits by applying Chevedden's suggestion so that it would affect fatalities involving vehicles lacking any front license plate (16,977) and fatalities involving vehicles having front plates that are not reflective (22,254). The agency is powerless, however, to mandate that vehicles have front plates or that plates be reflective. Therefore, the agency cannot address those fatalities by expanding the scope of Chevedden's petition.

The agency disagrees with Mr. Chevedden's suggestion that adopting his requested rule would involve "no cost." Specifying license plate mounting location would impose redesign and retooling costs associated with relocating mounting holes, bumper fascia, and plate holders.

In accordance with 49 CFR part 552, this completes the agency's technical review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Chevedden's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: April 17, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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